

703 KAR 5:130. School district accountability.

RELATES TO: KRS 158.645, 158.6451, 158.6453, 158.6455

STATUTORY AUTHORITY: KRS 156.029, 156.070, 158.6453, 158.6455

NECESSITY, FUNCTION, AND CONFORMITY: KRS 158.6455 authorizes the Kentucky Board of Education to promulgate an administrative regulation establishing a local school district accountability program. This administrative regulation establishes eligibility for district rewards, and it establishes procedures for determining assistance and other consequences for local school districts having schools in need of assistance as defined in 703 KAR 5:020.

Section 1. Required Participation in the National Assessment of Educational Progress. If a district is selected by the U.S. Department of Education or its designated contractors to participate in the state National Assessment of Educational Progress in reading, mathematics, and science at grades 4 and 8, the district shall participate fully.

Section 2. (1) Dropout data generated at an A2-A6 school shall be attributed to the school district in which the A2-A6 school is located, unless the district exercises the option in subsection (2) of this section.

(2) If a district where an A2-A6 school is located can identify the A1 school which would have served the student if the student had not required services offered by the A2-A6 school, then the dropout data regarding that student shall be assigned to the A1 school. If a school district exercises this option, the district shall accurately report specific student dropout data to the district containing the accountable A1 school to be included in the nonacademic data reported the Department of Education. If, after reasonable effort, the district cannot determine the proper A1 school of accountability, the district may request that the Kentucky Department of Education assign the data to the proper district.

Section 3. A local school district in which all schools are classified as progressing or meets goal under 703 KAR 5:020 and meets the dropout criteria established for schools in order to earn rewards in 703 KAR 5:020 shall be declared an exemplary growth district and shall receive rewards as determined by the Kentucky Board of Education.

Section 4. A district meeting adequate yearly progress in both reading and mathematics for two (2) consecutive years shall receive a reward or recognition as determined on an annual basis by the Department of Education.

Section 5. (1) A local school district shall be held accountable for providing its schools appropriate instructional leadership and instructional support.

(2) A local school district containing a school that is classified as Level 3 that was not classified as Level 3 the previous accountability cycle shall modify its district consolidated plan by including a specific support plan designed to assist each Level 3 school in improving its academic achievement. The plan shall address each of the areas listed in Section 6 of this administrative regulation and shall be sent to the local board of education members and to the Level 3 school council members or, if none exists, the principal, for approval.

(3) If a school is classified as Level 3 for two (2) or more consecutive accountability cycles, the school district shall be subject to a district audit conducted by a district evaluation team. The team shall review each of the areas outlined in Section 5 of this administrative regulation and the district's implementation of the previous accountability cycle's school support plan. The district audit team shall also evaluate the district as to district responsibilities using "Standards and Indicators for School Improvement", which is incorporated by reference in 703 KAR 5:120.

Section 6. A local school district shall address the following areas in its school support plan:

(1) Instructional leadership shall include evidence that the local school district provides:

(a) Instructional staff access to curriculum-related materials and training necessary to use curricular and data resources relating to the goals for Kentucky public schools established in KRS 158.645 and 158.6451 and the academic expectations established in 703 KAR 4:060 and the school's performance trends, which include state assessment data and other student achievement performance measures identified by the district;

(b) A professional development planning process that results in training activities provided for the certified staff within the goals established in KRS 158.6451 and the local needs assessment required in 704 KAR 3:035, annual professional development plan. The district shall include evidence that it equitably and effectively distributes professional development resources and has designed a district professional development program based on student achievement data; and

(c) A structure for instructional improvement including evidence that the local school district is actively supporting a systematic, school improvement planning process involving appropriate stakeholder groups, including parents, business representatives, and the general public, and the district is using all available and appropriate data;

(2) Financial services and support shall include evidence that district resources have been distributed to each school equitably and consistently in accordance with the requirements of 702 KAR 3:246, School council allocation formula. The district shall also demonstrate that decisions about discretionary funds and other available resources not included in the school allocation formula are directed by an assessment of need or a required plan, all of which are data driven;

(3) Safe and secure instructional facilities shall include evidence of adequate and equitable maintenance of facilities. In addition, safe and secure instructional facilities shall include evidence that the school district has reviewed and assisted in the implementation of the school-based safety plans dealing directly with issues related to discipline and a safe school environment; and

(4) An effective certified employee evaluation program shall include evidence that the evaluation of the principal and certified staff has been implemented in a regular and timely manner consistent with the district's approved evaluation plan submitted under KRS 156.101 and that the evaluation process focuses on improving instruction.

Section 7. The district evaluation team shall submit a report, including its recommendations, to the Commissioner of Education, the district superintendent, and the local board of education within two (2) weeks of its review. The report shall be presented by a member of the district evaluation team at a local board of education meeting with opportunity for public comment. The district evaluation team recommendations may include the following:

(1) No additional action is needed because the district is effectively implementing its school support plan which reflects strategies to meet the needs of the Level 3 school;

(2) Revisions to the school support plan are needed even though the district has effectively implemented its plan;

(3) Revisions in implementation procedures are needed as implementation of the school support plan is not effective; or

(4) A management audit as provided in KRS 158.785 and 703 KAR 3:205 is needed because the district has not effectively developed or implemented its school support plan.

Section 8. District Accountability Requirements of the "No Child Left Behind Act of 2001". (1) For the purpose of determining whether a district has met the annual measurable objectives in reading or mathematics, the Kentucky Department of Education, using reading and mathematics data from the 2001-2002 school year, shall establish a single starting point for each content area at each accountability level (elementary, middle, or high school) as described in 703 KAR 5:020.

(2) For purposes of determining adequate yearly progress, a local district shall be held accountable based on an aggregated average of the performance of elementary, middle, and high school students who have been enrolled in the district for a full academic year and producing district level accountability statistics including:

(a) Percent proficient and above in reading and mathematics;

(b) Accountability indices;

(c) Graduation rates; and

(d) Participation rates.

(3) These statistics shall be used to determine if a district has met adequate yearly progress as measured against the annual measurable objectives established in 703 KAR 5:020, Section 10(11).

(4) Meeting adequate yearly progress. A district shall be determined to have made adequate yearly progress for a school year if:

(a) The district and all subpopulations of sufficient size identified in 20 U.S.C. 6301 et. seq., met the annual measurable objectives in both reading and mathematics or met the conditions described as "safe harbor" in 703 KAR 5:001;

(b) The district showed progress or met the criteria on the accountability index at the elementary and middle school accountability levels as defined in 703 KAR 5:001;

(c) The district demonstrated progress or met the annual goal for graduation rate as defined in 703 KAR 5:001; and

(d) Had a participation rate of at least ninety-five (95) percent of the enrolled students and ninety-five (95) percent of each subpopulation of sufficient size identified in 20 U.S.C. 6301 et. seq.

(5) No child left behind (NCLB) improvement district determination. A district shall be identified as a "NCLB improvement district" if for two (2) consecutive years the district fails to make adequate yearly progress in the same content area, as defined in 703 KAR 5:001 reading or mathematics.

(6) Confidence intervals. A district shall be considered to have met the annual measurable objective in reading or mathematics if:

(a) The percent of students scoring proficient or above in a district meets or exceeds the annual measurable objective in reading or mathematics; or

(b) The annual measurable objective falls within the ninety-nine (99) percent confidence interval placed around the district's percent of students proficient and above.

(7) Students included in the participation rates. A student enrolled in Kentucky public school district on the first day of the testing window at each accountability level shall be included in the calculation of the district's participation rates calculated for the total population and for each subpopulation of sufficient size identified in 20 U.S.C. 6301 et. seq.

(8) Students included in determining whether a district meets annual measurable objectives. Beginning with data from the 2003-2004 school year, a student enrolled in a district for a full academic year shall be included in the district calculations of the percent of students performing at the proficient level or above in both reading and mathematics for purposes of federal accountability decisions.

(9) Annual measurable objectives in reading and mathematics - 2003 through 2014. The annual measurable objectives for reading and mathematics for a district shall be those established in 703 KAR 5:020, Section 10(11).

(10) Initial consequences for NCLB improvement districts. If a district is identified as a NCLB improvement district, the district:

(a) Shall, not later than three (3) months after being identified, develop or revise a district improvement plan. The district shall implement the plan expeditiously, but not later than the beginning of the next school year after the school year in which the district was identified as a NCLB improvement district;

(b) May request technical assistance from the Kentucky Department of Education; and

(c) May be subject to corrective action taken by the Kentucky Department of Education as required by 20 U.S.C. 6301 et seq.

(11) Subsequent consequences for NCLB improvement districts. If a district is identified as a NCLB improvement district and fails to make adequate yearly progress by the end of the second full school year after the identification, the district shall be subject to corrective action taken by the Kentucky Department of Education as required by 20 U.S.C. 6301 et seq.

(12) Duration of consequences. If a district identified as a NCLB improvement district makes adequate yearly progress in both reading and mathematics as defined in 703 KAR 5:001 for two (2) consecutive school years after identification, the district shall no longer be identified as a NCLB improvement district and the district shall not be subject to federal consequences. (26 Ky.R. 2123; eff. 8-23-2000; 30 Ky.R. 1846; 2305; eff. 4-17-04..)